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**RACE CONSCIOUSNESS:
A MERE MEANS OF PREVENTING ESCAPES
FROM THE CONTROL OF HER WHITE MASTERS?**

An Allegoric Essay

*Reginald Leamon Robinson**

. . . Ye are gods; and all of you are children of the most High.¹

. . . the Black Code . . . , in the times [of] slavery . . . forb[ade proprietors] to receive persons of the African race, because it might assist slaves to escape from the control of their masters.²

. . . to classify is to disturb. . . to build emphases, to create stresses, which obscure some of the data under observation and give fictitious value to others – a process which can be excused only insofar as it is necessary to the accomplishing of a purpose.³

Black American – one who has been classified by a racial marker, who internalizes the classification as a specific racial

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¹ *Psalms* 82:6 (King James).

² The Civil Rights Cases, 109 U.S. 3, 21-22 (1883) (Bradley, J., majority).

³ Karl Llewellyn, *A Realistic Jurisprudence – The Next Step*, 30 COLUM. L. REV. 431, 453 (1930).

*identity, who acknowledges the racial marker as a practical social limitation, who thus thinks within the limits of the racial marker, and who seeks to overcome the marker's marginalizing features, thereby rendering the classification as psychologically real and socially permanent.*⁴

I. INTRODUCTION

What is race consciousness?⁵ Is it about *race* or *consciousness*? I cannot "know" exactly.⁶ Do I need a race consciousness? Without it, do I still have an identity? Would this identity closely reflect my human divinity? If so, am I freer, more liberated? And if so, why?

By four or five, I will be race aware.⁷ For what reason? Am I safer because I focus on race? Do I feel freer? Can I walk where I please? Can I dream? Can I share my dreams? The answer to these questions is probably no because I'm fear focused! My dream's winged flight like Icarus' melts away in the heat of race awareness. Race consciousness limits my primordial quest to

⁴ Within the scope of this article, this point of view aptly describes race and race consciousness. Cf. Margaret E. Montoya, *Máscaras, Trenza, y Greñas: Un/masking the Self While Un/braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L.J. 185, 190 (1994) ("This transformation of my public persona was psychically liberating Even as I struggled to redefine myself, I was locked in a reluctant embrace with those whose definitions of me I was trying to shrug off.").

⁵ See Janet E. Helm, *Introduction: Review of Racial Identity Terminology*, in BLACK AND WHITE RACIAL IDENTITY: THEORY, RESEARCH, AND PRACTICE 3, 7 (Janet E. Helm ed. 1990) [hereinafter "RACIAL IDENTITY"] ("Racial consciousness refers to the awareness that (socialization due to) racial-group membership can influence one's intrapsychic dynamics as well as interpersonal relationships. Thus, one's racial awareness may be subliminal and not readily admitted into consciousness or it may be conscious and not easily repressed.") [hereinafter Helm, "Introduction"].

⁶ See generally ROBERT AUDI, *EPISTEMOLOGY: A CONTEMPORARY INTRODUCTION TO THE THEORY OF KNOWLEDGE AND DISCOURSE ON LANGUAGE* (1998); MICHEL FOUCAULT, *THE ARCHAEOLOGY OF KNOWLEDGE* (1972); LUDWIG WITTGENSTEIN, *PHILOSOPHICAL INVESTIGATION* (G.E.M. Anscombe trans., 3d ed. 1958).

⁷ See MARY ELLEN GOODMAN, *RACE AWARENESS IN YOUNG CHILDREN* (1952).

know my God Self. It culturally enslaves me;⁸ it is a modern overseer. It whips me mentally. This whipping never stops without social struggles. Once conditioned, I am a slave without masters.⁹ Once raced, I consciously limit myself spiritually, bind myself physically, and pinion myself mentally. I never *know* my *God Self*; I am purely, simply *Black*.¹⁰

Recently, one of my Jurisprudence students declared "I am . . . Black." I asked questions: Is she really "black"? What is race? How does she know? Did she have an identity before race? Is her essential or *God Self* submerged?¹¹ Or, does her race work interdependently with this Self? Or still, does her race consciousness sharpen (or obscure) how her Self perceives (or

⁸ See generally *Strauder v. West Virginia*, 100 U.S. 303 (1879); *The Civil Rights Cases*, 109 U.S. 3 (1883); *Plessy v. Ferguson*, 163 U.S. 537 (1896); *Gomillion v. Lightfoot*, 364 U.S. 339 (1960); *Patterson v. McLean Credit Union*, 491 U.S. 164 (1989).

⁹ See IRA BERLIN, *SLAVES WITHOUT MASTERS: THE FREE NEGRO IN THE ANTEBELLUM SOUTH* (1974).

¹⁰ See Reginald Leamon Robinson, *Race, Myth, and Narrative in the Social Construction of the Black Self*, 40 *How. L.J.* 1, 5 n.13 (1996) [hereinafter "*Robinson, Race, Myth, and Narrative*"].

A "black" person, like a mythic changeling, transforms from what was impatiently tolerated into what must be immediately isolated or, under the "best" circumstances, instantly killed. "Black" tells a story not only of hue, or of race, but also of Niggers, Coloreds, or African Americans. . . . "Black" means something other than powerful, loving, industrious, and propertied.

Id. (citations omitted).

¹¹ See ROLLO MAY, *THE DISCOVERY OF BEING: WRITINGS IN EXISTENTIAL PSYCHOLOGY* 16 (1983) (discussing being and non-being). Non-being, according to Rollo May, represents untapped human potential.

[Non-beingness means the] individual's "pattern of potentialities." These potentialities will be partly shared with other persons but will in every case form a unique pattern in each individual. We must ask the questions: What is this person's relation to his own potentialities? What goes on that he chooses or is forced to choose to block off from this level of awareness something which he knows, and on another level *knows that he knows*?

Id. at 17.

knows) the world?¹² Is her race like eye glasses – if she has the proper prescription, then she can see more? If not, then will she always see the worlds slightly out of focus? If her race (or eye glasses) are too strong, will she see more, but suffer constant headaches and eye strain? Like eye glasses, should she periodically re-examine her race consciousness so that she can “see” better, so that she can see her world more (or less) through an essential Self who exists race free? Can she ever answer these questions?¹³ By posing them, is she (or am I) confessing that we live at the edge of our knowledge border?¹⁴ And worse (or better), by posing these questions, can we get beyond this border?¹⁵ If I can ever get to the border’s edge, doubtful as my consciousness perennially expands, will we find insanity, a psychosis induced by *Black* race *thinking*?

When my student uncritically declared herself *Black*, she momentarily rejected a larger, raceless “reality.” In the absence of a white master,¹⁶ she accepted a race awareness that she

¹² Llewellyn, *supra* note 4, at 432.

¹³ See generally *Epistemology*, 18 THE NEW ENCYCLOPAEDIA BRITANNICA 466-88 (15th ed., 1998).

¹⁴ See JACQUES DERRIDA, APORIAS 1-5 (Thomas Dutoit trans., 1993) [hereinafter DERRIDA, APORIAS].

¹⁵ See Margaret Jane Radin, *The Pragmatist and the Feminist*, in JURISPRUDENCE: CONTEMPORARY READINGS, PROBLEMS, AND NARRATIVES 368, 372 (Robert L. Hayman, Jr. & Nancy Levit eds., 1994).

One important problem of transition is false consciousness. If the perspective of the oppressed includes significant portions of the dominant conception of the world, and of the role of the oppressed group in it, then the oppressed perspective may well be incoherent, rather than a separate coherence to be recognized as a separate ‘reality.’

Id.

¹⁶ By white masters, I mean not only those whites who were deeply vested in the formal enslavement of Africans, but also overseers whose economic life was tied to the degree to which they effected the white masters plantation organization. At base, I mean whites who owned slaves, and whites who enforced the will of slave owners. A white master is a metaphor. It refers also to those whites who are consciously or otherwise committed to the view that blacks and whites are fundamentally different. At the very least, these whites would become deeply and particularly concerned if their daughters, sisters, mothers, or nieces (or the male equivalent) were planning to marry a

received as a vulnerable child, and that she relies on . . . as false comfort. This comfort imprisons her. It denies her liberty, and in effect, she recreated her white master's control.¹⁷

In this short, allegoric essay, I argue that *Black* thinking and awareness deny me (and others) a *God Self*, and thus race consciousness enslaves people who have been marked as *Black Americans*.¹⁸ Within the so-called Black community, race consciousness ought to be abandoned.¹⁹ Basically, race

black man (or black woman). In the end, a white master is a so-called Caucasian person who cannot imagine so-called blacks as fully and legally endowed divine humans. Cf. LAURENCE ALAN BAUGHMAN, *SOUTHERN RAPE COMPLEX: HUNDRED YEAR PSYCHOSIS* 13 (1966). In any segregationist, racist debate, the coup de grace was "You want yoh daughtah (sistah, etc.) marryin' a niggah?" . . . "Ah, sweet triumph! He had conjured up the vilest, most awesome image in his repertoire: a fierce black African tribesman, half-naked, a bone through his nose, wielding a spear in one hand and dragging his poor helpless white captive – the daughter, sister, etc. – by the hair of her fair head with the other, a barbaric heathen, callously fighting his way to the church."

¹⁷ See III NEALE DONALD WALSCH, *CONVERSATIONS WITH GOD: AN UNCOMMON DIALOGUE* 234 (1998) [hereinafter WALSCH, CWG III]. God states:

Your experience of everything is based on your perceptions, and your perception is based on your understanding. And your understanding is based on your myths. That is, *on what you have been told*.

Now I tell you this: Your present cultural myths have not served you. They have not taken you where you say you want to go.

Either you are lying to yourself about where you say you want to go, or you are blind to the fact that you are not getting there. Not as an individual, not as a country, not as a species or a race.

Id.

¹⁸ See Helm, *Introduction*, *supra* note 5, at 7. "Racial identity pertains to the quality of the awareness or the various forms in which awareness can occur, that is, identity resolutions. Awareness of race may be accompanied by positive, negative, or neutral racial-group evaluations." *Id.*

¹⁹ I don't equate race consciousness with ethnic identity or cultural practices. I also understand that America's dominant institutions have plagued ethnicity with the usual social, political, and linguistic vices that make *race* unworkable. See MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATIONS IN THE UNITED*

consciousness was birthed by America's ideology of white supremacy, and this history raced us all. This history shapes human beings into *Blacks* so that they can easily suffer economic control and political mastery, and it molds human beings into *Whites* so that they can eagerly participate in denying Blacks – and themselves – their divine humanity.²⁰ To think of oneself as Black, White, or other is to have a race consciousness and to give credence to a non-existent illusion of the *God Self*. A *Black* race consciousness makes us slaves without masters. By subscribing to a race consciousness, we – all of us – thus forget that we are *gods* and that we have *God Selves*.

In making this argument, I first cursorily explore epistemology, and in this subsection, which gradually begins the allegoric conceit, I argue that all of us must engage in an epistemic quest. Without so doing, how can we really know ourselves beyond the manner in which we have allowed society to construct us? In the next subsection, I use the allegoric language to argue that we treat race consciousness like a God, and in so doing, we – especially so-called blacks – recreate slavery, principally because we continue to allow white masters to use, at the very least, Lynchian tactics to distract us from our *God Self*. At base, if we vest ourselves in racial identities or race consciousness, then we,

STATES, FROM THE 1960S TO THE 1990S, 14-23 (1994); Adolph Reed, Jr., *Skin Deep: The Fiction of Race*, VILLAGE VOICE, Sept. 24, 1996, at 22, available at 1996 WL 11170163 (providing that "Ethnicity – and its corollary, the expansion of whiteness as a generic category – is the result of similar efforts at successfully negotiating the bipolar racial system to avoid the stigma of blackness."). In short, the scope of this essay does not address ethnicity or culture. However, I believe this caution will not stem the tide of criticism that I will most assuredly face.

²⁰ See Robinson, *Race, Myth, and Narrative*, *supra* note 10, at 33.

Later, some whites may make the rude discovery that they have only a few degrees more liberty and perhaps far less humanity than do blacks or the socialized Other. By working to hold blacks back, whites have had to sacrifice their deep desire for true recognition by staying behind to guard America's socio-psychological internment camp called *Black Oppression*.

Id. (citation omitted).

even legal academics, too function as crippled thinkers, as *faux savants*, who cannot free others (e.g., students) because we cannot imagine ourselves as raceless, *divine* beings.

II. WHITE MASTERS MAKING THE BLACK SELF

A. *An Epistemic Quest: Who Am I?*

Who am I? I mean *Am I Black*, and *must* I think *Black*?²¹ America gave my forebears racial lenses as their inheritance. Am I bettered by this tradition?²² Without racial lenses, I can't answer this question. Black, white, brown, yellow, red – they're only labels, categories.²³ Outside of a racially oppressive context, labels and categories don't mean very much.²⁴ And they don't tell us about individual attributes like personality and interests.²⁵ They simply lock us into thinking in very predictable, often limited ways. Of course, assuming we can get outside of a racially oppressive context, we can begin by saying: "I'm a human being." Unfortunately, we can't measure human

²¹ See, e.g., Janet E. Helm, *An Overview of Black Racial Identity Theory*, in RACIAL IDENTITY, *supra* note 5, at 9, 17. "Nigrescence can be defined as the developmental process by which a person 'becomes Black' where Black is defined in terms of one's manner of thinking about and evaluating oneself and one's reference groups rather than in terms of skin color per se." *Id.*

²² See DECONSTRUCTION IN A NUTSHELL: A CONVERSATION WITH JACQUES DERRIDA (John D. Caputo ed., 1997) [hereinafter NUTSHELL DECONSTRUCTION].

²³ See generally Ian F. Haney-Lopez, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1, 10-39 (1994) (observing that race has no biological basis, but rather depends for its social force on historical contingencies and legal enforcement).

²⁴ See generally LUDWIG WITTGENSTEIN, ON CERTAINTY (G.E.M. Anscombe & G.H. von Wright eds., and Denis Paul & G.E.M. Anscombe trans., 1972).

²⁵ See David L. Hamilton, Steven J. Stroessner, & Diane M. Mackie, *The Influence of Affect on Stereotyping: The Case of Illusory Correlations*, in AFFECT, COGNITION, AND STEREOTYPING: INTERACTIVE PROCESSES IN GROUP PERCEPTION 39-61 (Diane M. Mackie & David L. Hamilton eds., 1993).

“beingness.” We can suggest what society expects (e.g., moral choices), but can we agree on meaning?²⁶ Let’s mark ourselves as humanoid. By this marker, we learn that we generally all fit, viz., two arms, etc. Unfortunately, this epistemic question and its humanoid corollate don’t help us extensively. This question rests with epistemology, and thus how we frame the question depends largely on what we already think we “know” and what we will allow ourselves to “believe.” *Knowing* implies social construction,²⁷ and *believing* suggests that agency/autonomy escapes social construction.²⁸ Ultimately, then, if we already “know” the answer, why frame the question? And if we have already predisposed ourselves to “believe” anything, why do we ask this question?

Basically, then, knowing *determines* who I am, and believing *portends* what I can be. In effect, knowing and believing delimit my consciousness, my awareness. Why do I limit my consciousness, my awareness, to race? As I queried, do I exist without a race? Do I have awareness? Do I have consciousness?

²⁶ John D. Caputo, *Deconstruction in a Nutshell: The Very Idea(!)*, in NUTSHELL DECONSTRUCTION, *supra* note 22, at 31.

The very meaning and mission of deconstruction is to show that things – texts, institutions, traditions, societies, beliefs, and practices of whatever size and sort you need – do not have definable meanings and determinable missions, that they are always more than any mission would impose, that they exceed the boundaries they currently occupy A “meaning” or a “mission” is a way to contain and compact things, like a nutshell, gathering them into a unity, whereas deconstruction bends all its efforts to stretch beyond these boundaries, to transgress these confines, to interrupt and disjoin all such gatherings.

Id. at 31-32.

²⁷ See generally PETER L. BERGER & THOMAS LUCKMANN, *THE SOCIAL CONSTRUCTION OF REALITY: A TREATISE IN THE SOCIOLOGY OF KNOWLEDGE* (Anchor Books, 1989).

²⁸ See Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997) (discussing simultaneity, differentiation, and dominance-transformation as elements of agency theory and how racial groups can take personal responsibility, regardless of agency dynamics, to promote interracial healing).

Do I breathe differently? Do I think differently? Am I hopeful? Do I succeed beyond conditioned limits? Do I become blind to race while seeing color? I'm not suggesting that without a race, we become what John O. Calmore called "perspectivelessness."²⁹ Rather, I am asking: if I live my "*I Am*" without a race construction,³⁰ will I recognize racial injustice and oppression? Pure consciousness recognizes "race" as an oppressive marker, a permitted writing on my Self's *tabula rasa*. I must permit this mark, this *escriure*; I must allow myself to think within a black box, where my mind would prowl like a caged cat who after ceaseless resistance concedes with a barely audible protest. I must at a tender age forget my essential Self, my primordial epistemic quest, thus banishing myself to a state of mind where I can shout "*Who Am I*" and where I can't remember or hear my own voice. By knowing myself through a racial marker, I am determined. I am limited. *Nigger* terminates me;³¹ I die. In this

²⁹ See John O. Calmore, *Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 315, 322 (Kimberlé Crenshaw et al. eds., 1995).

Such a position holds that legal analysis is possible without taking into account various conflicts of individual values, experiences, and worldviews. . . . [T]his perspectivelessness is presented as the objective, neutral legal discourse, with a corollary of 'color-blindness,' used to reduce conflict and devalue the relevance of our particular perspective.

Id.

³⁰ See John Alfred Williams, *The Man Who Cried I Am*, in THE NORTON ANTHOLOGY OF AFRICAN AMERICAN LITERATURE 1834-53 (Henry Louis Gates, Jr., & Nellie Y. McKay gen. eds. 1997) (involving a novel published in 1967 about character who tries to navigate issues of politics, race, and international society).

³¹ See Robinson, *Race, Myth, and Narrative*, *supra* note 10, at 41 n.166.

Upon hearing this relationship [A=B], we assume that we have acquired truth. For Derrida, this science of presence is a false notion because a sign cannot have a meaning "independent of language." As already noted, a signifier really opposes the signified. As such, the signifier attempts to transform that which becomes the signified. For example, "Nigger" is a sign. The phrase "A Nigger means . . ." is a signifier. The statement "That is a Nigger" illustrates the

dark abyss, I can't question "truth." I then openly consort with my oppressive marker; it becomes me and I it. The marker denies access to pure consciousness, and I become race conscious. No epistemic quest can exist long in race consciousness, for everything around me reinforces my social death, my political nothingness.³²

I cannot accept that I am only *Black*³³ – socially dead, politically nothing. I know that I'm raced. To be dead, nothing, simply *Black*, I must endure a limited imagination. Yet, I cannot, for I will surely, truly *die*. Fortunately I can purge this poison from my mind, where this toxin resides.

As a child, I was gifted with critical thought, and these critical tools ironically were honed at Howard University where professors like Doris Adler, Bill Ellis, Jane Flax, and Ron

signified (i.e., a black person). Now, if a white person calls a black person a "Nigger," does the receiver of the signifier become what is the common understanding of "Nigger"? At this moment, we have encountered the opposition between the signifier and the signified. In both the signifier and the signified, a substratum of what Derrida calls indicative speech is present, a form of meaning which operates to delay the truth meaning of "Nigger" as conferred on the object (e.g., a person). This indicative meaning dilutes the self-presence of "Nigger." We must wait until we have uncovered the indicative meaning before we can say authoritatively that "Nigger" means "X." This delay in meaning is fatal. At this point, "Nigger" both in the sign and the person is not there.

Id. (citations omitted). "Derrida argues: 'We will never have, and in fact have never had, any "transfer" of pure signifieds – from one language to another, or within one language – which would be left virgin and intact by the signifying instrument or "vehicle.'"” *Id.* Given this critique, many moments exist in which a person can decide to live his or her life, to operate outside of a race consciousness.

³² See George A. Martinez, *African-Americans, Latinos, and the Construction of Race: Toward an Epistemic Coalition*, 19 CHICANO-LATINO L. REV. 213 (1998).

³³ See Reginald Leamon Robinson, *Teaching From the Margins: Race As A Pedagogical Subtext*, 19 W. NEW ENG. L. REV. 151 (1997).

Walters taught me to think, to question, and deconstruct.³⁴ My Chicago professors like John Coatsworth, Russell Hardin, and John Padgett accepted nothing less than original, critical analytical thinking. Under the stewardship of University of Pennsylvania law professors like Drucilla Cornell and Bruce Mann, I studied critical theorists like Derrida, Hegel, and Wittgenstein, and I questioned the origins of racial markers, codes, and categories. Over the years I learned that for my personal and intellectual sanity, I must not only reject that race has a legitimate prestige but also expose that race consciousness remains wholly other to my (and our) prime directive³⁵ – an epistemic quest to know “Who Am I?” In this epistemic quest, I bear witness against race consciousness. I testify in public documents and in a private language of legal analysis and law review methodology.

I saw race consciousness figuratively and literally destroy the people in my village. Sitting about the camp fire of ignorance, before the totem of black inferiority, members of my tribe spoke of great deities. One of them was an unseen, mythic “They”, a most terrible God who struck the poorly and modestly educated’s

³⁴ John A. Caputo, *Deconstruction in a Nutshell: The Very Idea (!)*, in NUTSHELL DECONSTRUCTION, *supra* note 22, at 42.

[D]econstruction is best thought of as a certain *inventionalism*. . . . Both essentialism and conventionalism are too binding for [Derrida], too much inclined to hang things up or tie them down, whereas the business of deconstruction is to open and loosen things up. Deconstruction means to be essentially anti-essential and highly unconventional, not to let its eye wax over at the thought of either unchanging essences or ageless traditions, but rather to advocate an in-ventionalistic incoming, something new. Deconstruction is a way of giving things a new twist; it is bent on giving things a new bent, which is what sets the nerves of both essentialists and conventionalists on edge.

Id.

³⁵ *Id.* “Deconstructive analysis deprives the present of its prestige and exposes it to something *tout autre*, ‘wholly other,’ beyond what is foreseeable from the present, beyond the horizon of the ‘same.’ Deconstruction . . . is the endless, bottomless affirmation of the absolutely undeconstructible.” *Id.*

minds with fear. My family invoked this "They" God faithfully. My mother ritually decried, whenever she could not dispel impending doom, solve a conundrum, "Well, you know what *they* say. . . ." Like the Christian God, this "They" God explained immediate poverty, criminal punishment, and personal failure. This God lives beyond the ken. Christianity lives likewise as a totem in the village center, where we daily promise to accept tragic deaths. My tribe sacrificed members at the alter of this Deity through drugs, murder, and blind obedience, but these sacrifices were insufficient. In cruel mockery, this totem refused our offerings, and we knew we would suffer, not only because we were *Black*, but because we were pawns of a small, jealous God who on a whim took the bravest, boldest tribal leaders like Martin Luther King. God despised us; we were *Black*, thinking always of limits, in denials, in mythic language.³⁶ My village, deeply faithful to Gods like race consciousness, was not spared. One fateful day, in broad daylight, the village was decimated. I barely escaped. Since that time, I have wandered from village to village, telling everyone I see of this God's treachery. I tell them that race consciousness is a God in an oppressive pantheon. I beg them to distrust Gods like race

³⁶ See ERNST CASSIRER, LANGUAGE AND MYTH (Susanne K. Langer trans., 1953). Cassirer aptly quotes Max Müller:

Mythology is inevitable, it is natural, it is an inherent necessity of language, if we recognize in language the outward form and manifestation of thought; it is in fact the dark shadow which language throws upon thoughts, and which can never disappear till language becomes entirely commensurate with thought, which it never will. Mythology, no doubt, breaks out more fiercely during the early periods of the history of human thought, but it never disappears altogether. Depend upon it, there is mythology now as there was in the time of Homer, only we do not perceive it, because we ourselves live in the very shadow of it, and because we all shrink from the full meridian light of truth. . . . Mythology, in the highest sense, is the power exercised by language on thought in every possible sphere of mental activity.

Id. at 5 (citing Max Müller, *The Philosophy of Mythology, appended to Introduction, in* SCIENCE OF RELIGION 353-355 (1873)).

consciousness, but these villagers reject me, often preparing to drown me like a confessed witch. And under the cover of darkness, under some pretense to *Black* thought, I escape, seeking answers elsewhere.

In this epistemic quest, should I not dispel the myth of race consciousness? Don't I owe a duty to my village? It's my responsibility.³⁷ My epistemic quest mandates this responsibility. Should I not question the myth of race consciousness? This quest belittles reverence, and by so doing, I prepare to "know" myself. Race consciousness defaults my thinking; it emolizes me. Race consciousness falsifies my *true* identity, pushing away from the "full meridian light of truth." Roland Barthes understood that myths misconceive.

Myth does not deny things, on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification, it gives them a clarity which is not that of an explanation but that of a statement of fact. . . . In passing from history to nature, myth acts economically: it abolishes the complexity of human acts, it gives them the simplicity of essences, it does away with all dialectics, with any going back beyond what is immediately visible, it organizes a world which is without contradictions because it is without depth, a world wide open and wallowing in the evident, it establishes a blissful clarity: things appear to mean something by themselves.³⁸

³⁷ See John D. Caputo, *The Right to Philosophy*, in NUTSHELL DECONSTRUCTION, *supra* note 22, at 51.

Deconstruction is not irresponsible. How could it be – if deconstruction is responsibility itself, if there is such a thing? Whenever something is deconstructed, or, better, whenever something is allowed to auto-deconstruct itself right before our eyes, as sometimes happens, that is to say, whenever deconstruction gets under way, that always happens in the name of an 'undeconstructible responsibility'.

Id.

³⁸ ROLAND BARTHES, MYTHOLOGIES 143 (Annette Lavers trans., 1994).

Myths thus encrust us within socially constructed beliefs and practices. While I reside somewhat within this construction, race consciousness perforce blinds us all. White masters and their self-aggrandizing practices created this historically contingent category, and through slavery, race consciousness falsely exonerated whites and truly condemned blacks. Unfortunately, whites and blacks eagerly drank from this cup of ignorance. Race *is* ignorance, and race consciousness *is* the poisonous blood wrung from that stone. While the myth of race consciousness purports to save us, to enlighten us, it explains by denying critical thought, thus effectively marginalizing successive generations of faithful adherents. At some point, I awoke from this induced delirium, noticing that race consciousness like the crucifix wishes to operate beyond deconstructive forays, it is sacred. In almost religious like zeal, we subscribe to it. Its “blissful clarity” opiates so-called African Americans. I cannot bow so low, kneel so easily, and in my responsible epistemic seeking, I instead cry, “*sic havoc*”!

In my epistemic quest, I have arrived at the “borders of truth.”³⁹ I stand before this structure; it is like the Berlin Wall. The structure has two things: a very tiny opening like a door and an armed guard. The guard, my socially conditioned responses, appears to hold an automatic weapon before the structure, I notice metal, figure-like images kneeling in complete supplication. I also see rotting corpses, those intrepid yearnings that accompanied me in the past whenever I came close to these borders. My past intrepidities had died gruesome deaths, and their courageous bodies were snarled, wretched, with frozen painful stares as if they witnessed their deaths. Fear has locked their cherub faces and angelic bodies into contortions while smothering their screams within the depths of their brave minds.

On second glance, I realize that the guard is a God, one of the many who plagued my village. God does not recognize me. Not yet! I am afraid; my fear bids that I seek comfort in any pantheonic God. I refuse, and now I face three choices. First,

³⁹ See DERRIDA, APORIAS, *supra* note 14, at 1.

supplicate myself, profess homage to the God of ignorance, and live forever kneeling, perennially broken. Yet, at this stage in my life – a well-educated law professor, this chosen fate leaves me as blind as Shakespeare's King Lear who refused to seek truth and who suffered Cordelia's death on jagged rocks. Second, confront this thing, point my finger, and cry "monster, o' monster," but I might die *intellectually*. Yet, this choice – although freeing me from suffering – returns me to my *god* status before I can completely purge myself of race consciousness. Third, I could run screaming back to my mental margins where intellectual castaways huddle in villages, hoping for safety in numbers and subscribing to oppressive symbols without question. This choice weakens my memory of my *God Self*, my birthright. I choose the second. I prepare to cross the border, the limits of truth. For my salvation, I will walk into *darkness*, just as Truman did when he rejected Christof's pleas which invoked almost God-like scripture . . . and when he stepped into *blackness*, an epistemic unknown.

Now that my epistemic quest brings me face to face with the God called race consciousness, to the borders of truth, to the edge of death, how do I cross this border? As a child, my village inoculated me against Truth with a serum called race consciousness. How do I cross? Derrida declares that a person can cross this border, if she confronts this truth God

What does "beyond" mean in this case? By itself, the expression "limits of truth" can certainly be understood – and this would be an *indication* – as the fact that the truth is precisely limited, *finite*, and confined within its borders. In sum, the truth is not everything, one would then say, for there is more, something else or something better: truth is finite [*finie*]. Or worse: truth, it's finished [*c'est fini*]. However, by itself, the same expression can signify – and this time it would not be an indication but the *law* of a negative *prescription* – that the limits of truth are borders that must be exceeded. In both these cases it remains that a certain border crossing does not seem impossible as soon as truth is confined. As soon as truth is a limit or has limits,

its own, and assuming that it knows some limits, as the expression goes, truth would be a certain relation to what terminates or determines it.⁴⁰

Derrida's words instruct us. Why don't so-called African Americans *know* that race consciousness stands on limited, shaky ground? With just a few questions, its structure would fail.⁴¹ Why don't they look to history? How many successful so-called blacks have ignored the limits of race consciousness? Consider Phyllis Wheatley, Frederick Douglass, Sojourner Truth, Carter G. Woodson, Ida B. Wells-Barnett, W.E.B. Du Bois, Charles Drew, Gwendolyn Brooks, Ralph Bunche, Adam Clayton Powell, Shirley Chisholm, Edward Brooke, Martin Luther King, Jr., Reginald Lewis, etc.? Blacks honor these heroes, and yet they still view race consciousness not as limited but as permanent. Are blacks only willing to denounce race consciousness when whites end racially oppressive practices? If so, blacks will remain slaves, destined to await the white master's beneficence, a system that depends on black complacency. As such, blacks don't engage in a truly irreverent, epistemic quest. Instead, they depend on race consciousness. They can't challenge a God like race consciousness. God judges those who forsake their villages, and Gods have limitless power. At the end of this epistemic walk, when blacks encounter this "border," they accept that nothing else better exists.

⁴⁰ DERRIDA, APORIAS, *supra* note 14, at 1-2.

⁴¹ See *supra* note 16; Cf. Mark G. Kelman, *Trashing*, in JURISPRUDENCE: CONTEMPORARY READINGS, PROBLEMS, AND NARRATIVES 216, 217 (Robert L. Hayman & Nancy Levitt eds., 1994).

Most of the arguments that law professors make are not only nonsensical according to some obscure and unreachable criteria of Universal Validity but they are also patently unstable babble. The shakiness of the argumentative structure is, quite remarkably, readily elucidated . . . Law professors are, in fact, a kiss away from panic at every serious, self-conscious moment in which they don't have a bunch of overawed students to kick around.

Id.

In this way, race-conscious blacks must perforce reject borders. For them, the “law of a negative *prescription*” must read like “No Niggers allowed.” These blacks must ignore the injunction: “the limits of truth are borders that must be exceeded.” How can blacks not want true, essential knowledge? How can they not want to embrace their *God Self*?

For generations, grandparents, parents, and familial authorities have passed their fear of whites, of integration, of uppity Niggers, etc., on to their children. Often without question, children adopt these perspectives. They respect the teachings of the elders. With race consciousness, one survives; without race consciousness, one risks death, injury, or isolation. It is better to remain in the village and to throw rocks at the unfamiliar. It is better to “keep it real.” By not critically inspecting the borders of race consciousness, blacks cannot discover “what terminates or determines it.” Race consciousness disinvites us to quest; it renders borders invisible. With race consciousness, blacks exile themselves to social ignorance, banish themselves to modern slavery, and imprison themselves in straight-jacketed thinking. If blacks don’t learn how social constructs delimit them, blacks cannot confront powerful psychological barriers. Beyond these barriers lies freedom. We must first destroy our slave chains, our white masters’ teachings, our fearful perspectives of bygone generations. An epistemic quest pushes our face into the stench of our racial ignorance, and if we are to clear our nostrils, we must first see and then step beyond the border.

At this border, the limits of truth, I stare into God’s eyes, and it does not smite me. God proffers a deal. I must recognize the value of race consciousness. I must accompany God across a veritable river Stixx, where I must recall my role in the mythmaking of race consciousness.⁴² There is no raft. No River.

⁴² Cf. Jerome S. Bruner, *Myth and Identity*, in MYTH AND MYTHMAKING 276, 276-77 (Henry A. Murray ed., 1960). Jerome Bruner writes:

Consider the myth first as a projection, to use the conventional psychoanalytical term. I would prefer the “externalization,” for I do not refer solely to the tendency to project outward simulacra only of those impulses that we cannot accept in ourselves. . . . And when we are painting a

I venture into my mind, my mental Stixx, and this God, who has always been with me, who has always urged me through fear to abandon my epistemic quest, will guide me. Like the river Stixx, debris litters my mental streams. Old, jettisoned "knowledge" putrefies in stagnant water. I am overwhelmed by the foul odor of my thinking. Nevertheless, I accept the deal. God extends what I thought was an automatic weapon. It's a wand. It touches me between my eyes, and instantly I visit not America's race history but my mental chambers.

B. *Against the "I Am": Making Free Souls into Niggers and Blacks*

As I venture back through my learning, my conditioning, I recognize God's many faces. God is *ignorance*. God is *oppression*. God is *self-hatred*. God is *self-doubt*. God is *worthlessness*. God is *parents' fear*. God is *race, racism, and race consciousness*. God is *revenge*. God is *anger*. God is *power over others*. God is *powerlessness*. God is *violence*. God is *Nigger*. Basically, God is *distraction*. Yet, these Gods, this social conditioning, this pantheonic oppressor, urges me always to conform, beckons me to betray my *God Self's* quiet whispers of Love, and threatens me with fear and death if I quest . . . in order to become a *Free Soul*. In everything I ever learned, this God had been sitting with me, daring me, defiling me. For the first time since meeting this God at the borders of truth, I feel fear, and with every pulse of fear, this God grows larger, stronger. Its energy weighs on me dark and heavy. At this moment, my *God Self* whispers gently into my heart: *I Love You*;

picture or writing a poem or constructing a scientific theory, there comes a moment when "it," the product we are producing, takes over and develops an autonomy of its own, an external existence. It is now the theory that requires the revision, not the theorist, the picture that needs this line here, not the painter's whim.

Id.

*You Are Eternally Loved.*⁴³ Love washes over me. Love eternally caresses me. My "*I Am*" glows with golden, crystalline Light. At once, I am safe. I am steeled against this mythic cultural God, and I am determined to complete this figurative sojourn through my mental Stixx. I am ready.

God shepherds me through lessons of American Negro history. I'm at home; I'm a child. I hear talk, and it's about what *Niggers* can and can't do. Images abound; they come from every moment in my life when I heard or learned of slavery, race, racism, and race consciousness. I settle into images, recalling lessons about slavery.

Since 1619, white masters have been making the *Black Self*,⁴⁴ an identity that counterfeits my "*I Am*." Since that day in 1619, when blacks were unloaded into a Virginia colony, white masters have been increasingly focused on labor shortages, production cost, and profit. Native peoples grew sick and died. The Irish and English could escape and "disappear." What about Africans? How do you break a hardy people and force them to work?⁴⁵ Early colonists treated skin color with virtual indifference.⁴⁶ For control, skin color would make some difference, but it is

⁴³ See *I Corinthians* 13:1-13 (King James). In the First Book of Corinthians, it is written: "Love is everything. Love is patient. Love is selfless. Love is kind. Love does not impose. Love is egoless. Love does not judge. Love honors all things. Love knows Love. Love does Love. Love is eternal." *Id.*

⁴⁴ Cf. Robinson, *Race, Myth, and Narrative*, *supra* note 10.

⁴⁵ See, e.g., LERONE BENNETT, JR., *BEFORE THE MAYFLOWER: A HISTORY OF BLACK AMERICA, 1619-1966*, at 37 (1966). "In America, tobacco and cotton were the villains. A world-wide demand for these products and the rise of plantation-sized units to meet this demand focused attention on the labor force. How could men be *forced* to work?" *Id.*

⁴⁶ *Id.* at 38.

In Virginia, then, as in other colonies, the first Negro settlers fell into a well-established socio-economics groove which carried with it no implications for racial inferiority. That came later . . . Negro and white servants, . . . , 'seemed to be remarkably unconcerned about their visible differences. They toiled together in the fields, fraternized during leisure hours, and, in and out of wedlock, collaborated in siring a numerous progeny.'

Id.

incomplete if slaves still think of themselves as Africans, of escape to freedom. Negro indentures who escaped from the service of their employers could be found,⁴⁷ but how in God's name could white masters break these spirited people?⁴⁸ After 1660, enforced labor, or legal slavery, redressed labor shortage, production cost, and profits. Slavery also placed artificial boundaries around Africans, insulating them legally and humanly from whites.⁴⁹ However, slavery did not rob Africans of their "*I Am*," or perfect African submission.⁵⁰

⁴⁷ *Id.* at 37.

[Negroes] were strong: one Negro, the Spanish said, was worth four Indians. They were inexpensive: the same money that would buy an Irish or English indentured servant for ten years would buy an African for life. They were visible: they could run, but they could not blend into the crowd. Above all, they were unprotected. And the supply, unlike the supply of Irishmen and Englishmen, seemed to be inexhaustible.

Id.

⁴⁸ See Derrick Bell, *Foreword – The Supreme Court, 1984 Term: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985). In the Slave Scroll narrative, blacks learn of their brutal slave experience, but they are uplifted because black slaves were spiritually empowered. They used the Slave Scroll to become the model, productive citizens that whites had demanded for centuries, and then because black economic prosperity threatens white economic life, whites pass the Racial Tolerance Law, charging Slave Scroll advocates with racial discrimination, thus forcing them to capitulate their Movement, to renounce the Scroll, and to burn it. In effect, whites sought to break the spirits of successful blacks by installing a slave mentality.

⁴⁹ BENNETT, *supra* note 45, at 37. "Virginia and Maryland led the way in the 1660's. Laws made Negroes servants for life; intermarriage was forbidden; children born of Negro women were ruled bond or free, according to the status of the mother." *Id.*

⁵⁰ See, e.g., *Oh, Freedom*, in THE NORTON ANTHOLOGY OF AFRICAN AMERICAN LITERATURE 15-16 (Henry Louis Gates, Jr., & Nellie Y. McKay gen. eds., 1997). This song in part reads:

Oh, freedom,
 Oh, freedom,
 Oh, freedom over me!
 An' befo' I'd be a slave,
 I'll be buried in my grave,
 An' go home to my Lord an' be free.

After Africans were forcibly cargoed into the Americas, they still embraced their “*I Am*.” They thought in their language, spoke through their cultural symbols, and practiced their religions. They possessed an African’s *consciousness*. They were afterall *Africans*. In transit, the Middle Passage, they spoke in their own languages, even while shackled below the slaver’s decks, while mired in their feces, while breathing through their vomit.⁵¹ And as I learned from *Amistad*,⁵² Africans defiantly and violently defended their “right” to live as free people. Even in the Caribbean, I learned from Frederick Douglass’ *Narrative*, masters and overseers were relentlessly brutal in enforcing slavery’s norms.⁵³ The colonies and states, Georgia, Maryland, Virginia, North Carolina, and South Carolina were particularly brutal,⁵⁴ especially because slaves outnumbered whites sometimes by a ratio of two to one. With such superior numbers, whites lived in fear, especially after Toussant L’Overture led the slave rebellion in Haiti. Violence would prove an effective,

Id. at 15.

⁵¹ See, e.g., BENNETT, *supra* note 45, at 49.

The newly purchased slaves, properly branded and chained, were then rowed out to the slave ships for the dreaded Middle Passage across the Atlantic. They were packed like books on shelves into holds, which in some instances were no higher than eighteen inches. “They had not so much room,” one captain said, “as a man in his coffin, either in length or breadth. It was impossible for them to turn or shift with any degree of ease.” Here, for the six to ten weeks of the voyage, the slaves lived like animals. Under the best conditions, the trip was intolerable. When epidemics of dysentery or smallpox swept the ships, the trip was beyond endurance.

Id.

⁵² *Amistad v. Libellants & Claimants*, 40 U.S. 518 (1841).

⁵³ See FREDERICK DOUGLASS, *NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS: AN AMERICAN SLAVE* (Signet 1968) (1845).

⁵⁴ See generally KENNETH STAMPP, *THE PECULIAR INSTITUTION: SLAVERY IN THE ANTE-BELLUM SOUTH* (1956); WINTHROP JORDAN, *WHITE OVER BLACK: AMERICAN ATTITUDES TOWARD THE NEGRO, 1550-1812* (1969); EUGENE D. GENOVESE, *ROLL, JORDAN, ROLL: THE WORLD THE SLAVES MADE* (1974); A. LEON HIGGINBOTHAM, JR., *IN THE MATTER OF COLOR* (1987).

albeit an imperfect, tool. It was Justice Ruffin, in *State v. Mann*,⁵⁵ who held that to render the obedience of the slave perfect, the master's power must be absolute.⁵⁶

Planters also would rely on guile to secure obedience. In one case, a master labeled a bottle *liberty*, and ordered his slave to drink to excess. Sickly drunk, the slave declared that he wanted no part of liberty. Willie Lynch in 1712 informed white masters in the colonies that they did not have to rely exclusively on violence. Rather, slaves would fight themselves, and if white masters effectively achieved this goal, it would be effective for 300 years.⁵⁷ White masters could focus on intemperate slaves like the Nat Turners, and most slaves would themselves move true liberty beyond their own reach. Today, Lynch's prophesy rides race-conscious blacks like a monkey on a heroin addict. By thinking *Black*, by adhering to race consciousness, blacks cannot escape the control of their white masters.

Let me think! After 1660, white masters had increased legal power to control a slave's physical body. Complete submission required mental slavery, race consciousness, and Lynch proffered the proper tool, a psychological mechanism that would prevent uprisings, runaways, and low productivity. It was a "fool-proof method of controlling your Black slaves."⁵⁸ Lynch, albeit a little too certain,⁵⁹ argued:

I use fear, distrust, and envy for controlling purposes.
These methods have worked on my modest plantation in the

⁵⁵ *State v. Mann*, 13 N.C. (2 Dev.) 263 (1829) (Ruffin, J.) (discussing the need for absolute power of the master to render the obedience of the slave perfect).

⁵⁶ *Id.*

⁵⁷ Willie Lynch, *1712 Speech to Virginia House of Delegates*, 10 NAT'L B. ASS'N MAG. 34 (1996).

⁵⁸ *Id.*

⁵⁹ Henry Louis Gates, Jr., & Nellie Y. McKay, *Preface: Talking Books*, in THE NORTON ANTHOLOGY: AFRICAN AMERICAN LITERATURE xxix (Henry Louis Gates, Jr., & Nellie Y. McKay gen. eds., 1997) [hereinafter *Preface: Talking Books*] (describing the Stono Rebellion of 1739 in South Carolina, "the largest uprising of slaves in the colonies before the American Revolution.").

West Indies and they will work throughout the South. Take the simple list of differences. Think about them. On top of the list is age, but it is only there because it starts with an "A." Then there is color, shame, intelligence, size, size of plantation, status of plantation. Whether they live on a hill, in the valley, east, west, north or south, whether they have fine hair or course hair, tall or short.

Now that you have the list of differences, I'll give you an outline of action. Before that, I assure you this, that distrust is stronger than trust, envy is stronger than adulation, and respect flatly rejected. The black slave after receiving this indoctrination shall carry on and become self-refueling, self-generating for hundreds of years, maybe thousands.

Don't forget you must put the old Black against the young Black male. Put the dark skin slave against the light skin slave. Design never to bring unity in the race; set them up to fight against one another. Divide to rule. You must have your white servants and overseers distrust all Blacks. But it is necessary that they, the slave, trust and depend on us. They must love, respect, and trust only us.⁶⁰

After reading Lynch's words, as they scroll across my mind, God freezes images that reveal holographically how a slave's mental activity slowed. Its electromagnetic frequency slows, lowering noticeably and permanently. I am stunned. Lynchian tactics, along with physical violence and legal isolation, doomed slaves. While their "*I Am*" never dies, it retreats deeper into their unconscious because they – like us – don't focus on it. Under these conditions, when the "*I Am*", our *God Self*, whispers, it becomes less audible. With each passing day, white masters whipped and manipulated, and with each sorrow and pain, slaves retreated deeper into race consciousness. How could they not? Slaves could not move freely. Slaves could not marry without a white master's permission. Slaves could not defend their lives. Slaves were raped with impunity. Slavery made

⁶⁰ Lynch, *supra* note 57.

them *Black*, and by making them *Black*, white masters could control slaves, not only by bullwhips,⁶¹ but also by mental (or symbolic) violence.⁶²

Despite Lynchian tactics, slaves always sought freedom.⁶³ As such, slaves had to struggle, to fight, to claw their way out of their physical degradation and into a new light of spiritual empowerment.⁶⁴

How do I prove that I'm a Free Soul? How do I reveal my "*I Am*" to a world insanely distracted by this God called race consciousness? I can declare my divine humanity, just as Sojourner Truth marked herself as a woman, but white masters saw her color first. If I mark myself as a Free Soul, whites will still see *only* my color, but I will be free. I will be freer than those blacks who will reject me as a Black Conservative who's found a new way to talk about color-blind politics.⁶⁵ These blacks will point out that after slavery, blacks were violated

⁶¹ See, e.g., BULLWHIP DAYS: THE SLAVES REMEMBER (James Mellon ed., 1980) (coupling narrative histories in which surviving slaves discuss their life on the plantation, including the physical cruelty they suffered).

⁶² Cf. MICHAEL BANTON, ETHNIC AND RACIAL CONSCIOUSNESS 95 (2d ed. 1997). On this point, Nelson Mandela writes:

Africans were desperate for help in government buildings: it was a crime to walk through a Whites Only door, a crime to ride a Whites Only bus, a crime to use a Whites Only drinking fountain, a crime to walk on a Whites Only beach, a crime to be on the streets after 11 p.m., a crime not to have a pass book and a crime to have a wrong signature in that book, a crime to be unemployed and a crime to be employed in the wrong place, a crime to live in certain places and a crime to have no place to live.

Id. (quoted in text).

⁶³ See, e.g., Olaudah Equiano, *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African, Written by Himself*, in THE NORTON ANTHOLOGY OF AFRICAN AMERICAN LITERATURE 138-64 (Henry Louis Gates, Jr. & Nellie Y. McKay gen. eds., 1997).

⁶⁴ Sojourner Truth, *Ar'n't I a Woman?: Speech to the Women's Rights Convention in Akron, Ohio, 1851*, THE ANTI-SLAVERY BUGLE, June 21, 1851, reprinted in THE NORTON ANTHOLOGY OF AFRICAN AMERICAN LITERATURE 198-201 (Henry Louis Gates, Jr., & Nellie Y. McKay gen. eds., 1997).

⁶⁵ See, e.g., PATRICIA J. WILLIAMS, SEEING A COLOR-BLIND FUTURE: THE PARADOX OF RACE (1997).

daily. I know. Each violation reinforced Lynchian tactics. Light-skinned blacks set against their darker brothers and sisters. Light-skinned blacks could pass for white.⁶⁶ Race, thus, becomes a guessing game for those who sit as final arbiters.⁶⁷ Blacks, albeit "free", rarely enjoyed its fruits.⁶⁸ I know.

⁶⁶ See, e.g., Tanya Kateri Hernandez, "Multiracial" Discourse: *Racial Classifications in an Era of Color-Blind Jurisprudence*, 57 MD. L. REV. 97, 112 (1998) (discussing passing in the United States as a vehicle for coping with racial hierarchies); Kevin R. Johnson, "Melting Pot" or "Ring of Fire"? *Assimilation and the Mexican-American Experience*, 10 LA RAZA L.J. 173 (1998) (discussing the passing of Latinos and Hispanics as similar to African American experiences); Estelle T. Lau, *Can Money Whiten? Exploring Race Practice in Colonial Venezuela and its Implications for Contemporary Race Discourse*, 3 MICH. J. RACE & LAW 417, 467 (1998).

Passing provides a particularly interesting example of the tensions inherent in self-advancement within a given racial system. Although some writers contend that passing delegitimizes racial hierarchies by exposing the diffuse nature of borders, passing also strengthens the racial hierarchy by reinforcing the attractiveness of the passed into category and the negative aspects of the passed out of category. Moreover, because the apparent fluidity is illusory for most members of the lesser category who are precluded from assimilating into the 'superior' group, passing cannot serve as a viable means of escape for the majority of members in a given group. Thus, its subversive value is minimized, while its ability to co-opt those already at the top of a given racial group is heightened.

Id.

⁶⁷ See, e.g., OMI & WINANT, *supra* note 19, at 55; Anthony Appiah, *The Uncompleted Argument: Du Bois and the Illusion of Race*, in "RACE," WRITING, AND DIFFERENCE 21-37 (Henry Louis Gates, Jr., ed., 1986); *United States v. Bhagat Singh Thind*, 261 U.S. 204, 211, 43 S. Ct. 338, 67 L.Ed. 616 (1923) "[Caucasian] includes not only the Hindu but some of the Polynesians, . . . the Hamites of Africa, upon the ground of the Caucasian cast of their features, though in color they range from brown to black. We venture to think that the average well informed white American would learn with some degree of astonishment that the race to which he belongs is made up of such heterogeneous elements." *Id.*; *Doe v. Louisiana*, 479 So. 2d 369 (La. App. 1985) family members filed unsuccessful action seeking mandamus to compel Department of Health and Human Resources to change deceased parents' racial classification from "colored" to "white"; appellate court affirmed lower trial ruling because plaintiffs failed to meet their burden of proof. See also

God instantly brings before me a new image and demands that I read. It is by Charles Hamilton and Stokely Carmichael who wrote: "[W]e must realize that race is an overwhelming fact of life in this historical period. There is no black man in this country who can live 'simply as a man.' His blackness is an ever-present fact of this racist society, whether he recognizes it or not"⁶⁹ I speak sneeringly though my teeth: so, America chooses racism, and it won't allow me to abandon race consciousness easily. So what! My epistemic quest remains personal; I'm on no fool's errand! Besides, why should I be distracted by a white master's fear? If a white master calls me a *Nigger*, why should I stop creating joy, peace, and love in my personal life? God angrily looks at me, and I whisper audibly: why should I pray in a white master's church and kneel before his God? I've never been a slave. I refuse to think like a slave; I'll leave mental slavery to devotees of race consciousness. I am *free* to *choose*.

Without responding, without addressing current-day Lynchian tactics, God – my racial conditioning – urges me to view more images. Blacks: in the Jim Crow era coping bravely with isolation; waiting through terrified moments before lynching ropes snapped their necks, before torched faggots cooked their bodies; battling nobly the color barrier in organized unions; heading bravely to fight in World War I; rioting indignantly in St.

BANTON, *supra* note 62, at 95 (arguing that the racial lines and thus inequality were maintained by establishing and enforcing a reward and punishment system for those who obeyed and those who violated segregation).

⁶⁸ See, e.g., *Jackson v. Denver*, 109 Colo. 196 (Sup. Ct. 1942) (appellate court properly sustained the conviction of defendants, Negro man and white women, who were convicted of vagrancy and fined \$150.00 each, where 1927 Code defined vagrants as "any person who shall lead an 'immoral' . . . course of life," and where law applied equally to whites and blacks, 1927 Code survived a constitutional attack). See also STATES' LAWS ON RACE AND COLOR (Verge Lake & Pauli Murray eds., 1955).

⁶⁹ Kevin Brown, *Do African-Americans Need Immersion Schools?: The Paradoxes Created By Legal Conceptualization of Race and Public Education*, 78 IOWA L. REV. 813, 881 (1993) (citing STOKELY CARMICHAEL & CHARLES V. HAMILTON, *BLACK POWER: THE POLITICS OF LIBERATION IN AMERICA* 54 (1967)).

Louis when whites resisted and resented black integration; campaigning politically to persuade fellow blacks to go back-to-Africa; fighting strategically in legal wars to integrate residential communities; fighting valiantly in World War II and Vietnam; standing proudly with whites at Reverend Martin Luther King, Jr.'s speech on the mall in Washington, D.C.

Stop, I shout! I stand and face God. I feel coerced emotionally into accepting race consciousness. Why?

Don't you remember, I ask? Whites killed Reverend King! For just a brief historical moment, Reverend King, acting more like a *God Self*, weakened the strangle hold race consciousness held on Free Souls. I doubt, however, that he would have ultimately succeeded. He after all relied on the black church, and he perforce spoke through racial categories. Like Jesus who appeared to give the Great Creator a male personality, King spoke of a *race* Justice. (He spoke of Blacks, Jews, Gentiles, Protestants, and Catholics who shall join hand and sing in the words of the old Negro spiritual: *Free at last, Free at last. Thank God Almighty. We're Free at last!*) King may have meant that to be Free, to stand before the Almighty Creator was to stand as a raceless, Free Soul. He surely knew that *Justice* has no color, no race, no gender, no class, no sexual orientation. *Justice equals Love.*

I could not believe that this God would use emotional blackmail. How can God, a true God, act desperately? Why does this God need my obedience, my allegiance? Divine humans, blacks and whites, died for greater freedom, broader liberty. In the end, God associates my epistemic quest to live my *God Self* with collective guilt.

How can I now choose between the black struggle's casualties and martyrs and my *God Self*?⁷⁰ I'm either a coward or a traitor.

⁷⁰ See Emanuel Margolis, *Affirmative Action: Deja Vu All Over Again?*, 27 S.W. U. L. REV. 1, 3 n.3 (1997).

The fatal combat casualties of the American Civil War are well established, namely, more than 520,000. The "casualties" of the Civil Rights "Revolution" of the 1960s are less subject to quantification, but are no less real. These include the dead and wounded civil rights advocates such as

Betrayal – I couldn't feel this emotion. I deeply understand that this God would only begrudgingly release me if I express no commitment to mental slavery. This God needs minds. He prefers brilliant minds because they – these educated tongues – can glibly reinforce a villager's trust in a race consciousness totem. Thereafter, this God can easily control errant hearts, these deep desires to remember our *god* status. Once this God embraces you, blacks eat doubters as a mother cat would eat her less than perfect offspring.

By thinking differently, Justice Clarence Thomas betrays race consciousness. Each of us seeks to cross the borders of truth differently. Justice Thomas need not account to God, this totem of race consciousness, why he questions, and why he speaks differently. Using Lynchian tactics, the late A. Leon Higginbotham, Jr., an otherwise brilliant circuit court judge and legal scholar, holds rank in Le Bon's mob who seeks to lynch Justice Thomas for speaking independently, for appearing to denounce black struggle, for making sacrilegious remarks about this God, for living within the interstices between *Black* and *consciousness*.⁷¹

James Meredith, James Chaney, Andrew Goodman, Michael Schwerner, Viola Liuzzo, innumerable bombing victims (including children), as well as the assassinations of the recognized leaders of the American civil rights movement – Dr. Martin Luther King and Medgar Evers. The rage and alienation of African-Americans reached monstrously destructive proportions in the form of race riots, which resulted in the partial destruction of a number of urban communities, including Detroit, Chicago, New York, Newark, and the Watts section of Los Angeles.

Id. (citations omitted).

⁷¹ See A. Leon Higginbotham, Jr., *An Open Letter to Justice Clarence Thomas from a Federal Judicial Colleague*, 140 U. PA. L. REV. 1005 (1992). See also MANNING MARABLE, *THE CRISIS OF COLOR AND DEMOCRACY: ESSAYS ON RACE, CLASS AND POWER* 212-21 (1992). In a chapter entitled, "Black Conservatives, Shelby Steele, and the War against Affirmative Action," Marable criticizes conservatives, for example, Glenn C. Loury, Shelby Steele, Thomas Sowell, and Walter Williams, for justifying patterns of race and class inequality when they espoused intellectual and political views that are against affirmative action.

Why, I ask? Why these images of black struggles? Why work so desperately to enforce race consciousness? Has race consciousness ever made oppressed black people radically free thinkers? God refuses an immediate answer. I wait. God speaks pensively. During slavery, race consciousness saved people, *your* people. By thinking *Black*, slaves understood appropriate boundaries. They respected the borders of social truth. They knew order, especially social order, and while slaves, blacks, and whites lived with each other, it was race consciousness that kept the balance, the peace. After slavery, recall from your lessons that mob violence, viz., lynching, becomes a white master's weapon of choice to strike that balance.⁷² Slaves, newly manumitted, wanted too much, too soon. As a group, they were young intellectually. They were like children who once tasted delicious candy. They begged for more, risking their health and lives. True freedom is too sweet a food. Think about *The Civil Rights Cases* and *Plessy*. These cases, and many like them, gave white masters time to adjust, and these cases gave blacks moments to ponder how deeply committed they were to remembering that they were Free Souls. In *Brown v. Board of Education*,⁷³ the justices understood that white masters would not easily change, and thus they cautioned in *Brown II* that local school districts must desegregate with "all deliberate speed."⁷⁴ These cases gave blacks a goal, which they could gradually attain by uniting themselves through race consciousness. At base, blacks must engage in this protracted process of civil rights struggles, especially in the face of great violent resistance by white masters, because struggle aids blacks in fully appreciating their intent to be Free Souls, equal citizens. Blacks unconsciously carry this purpose in their minds. Ultimately, this Free Soul intent requires blacks to struggle so that they can throw off – like the Hebrews during their forty-year march in the desert – the chains of slave *thinking*.

⁷² See generally RALPH GINZBURG, 100 YEARS OF LYNCHINGS (1988).

⁷³ 347 U.S. 483 (1954).

⁷⁴ *Brown v. Board of Education*, 349 U.S. 294, 301 (1955).

God and I stand face to face, and God declares blithely that blacks, like whites, have free will. Furthermore, God notes that a divine human's subconscious cannot distinguish past, present, and future. In Spirit, time does not exist, and the subconscious is a *tabula rasa* on which divine humans construct their world. Thus, if blacks refuse to abandon race consciousness, a totem built by white masters and prayed to by successive generations of blacks (and whites), then they are active players in their own oppression. Blaming white masters only for maintaining even the structure of racial oppression vitiates responsibility of blacks who think of themselves in limited, racial terms. In the end, God states smugly, race consciousness – like race oppression – exists because blacks *choose* to think it, to focus on it.⁷⁵

⁷⁵ See *supra* note 20. But see Kimberlé Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 103, 110 (Kimberlé Crenshaw, Neil Gotanda, Gary Peller, & Kendall Thomas eds., 1995). In denying that blacks play any role in their experience of racial oppression, Kimberlé Crenshaw argues:

[T]his [CLS] version of domination by consent does not present a realistic picture of racial domination. Coercion explains much more about racial domination than does ideologically induced consent. Black people do not create their oppressive worlds moment to moment but rather are coerced into living in worlds created and maintained by others; moreover, the ideological source of this coercion is not liberal legal consciousness but racism.

Id. I disagree with Crenshaw's facile manner of absolving oppressed people of their ongoing, day-to-day, moment-to-moment participation in their marginal status. By presenting this view of racial oppression, Crenshaw basically asserts that blacks must not be ultimately responsible for killing divine human who "look" like them. In effect, her argument amounts to a structurally derived insanity defense for criminal acts, especially conduct that physically injures divine humans. For purposes of this argument, I will overlook economic crimes, *viz.*, stealing to eat or to attain money to buy food to eat, as long as no physical harm comes to the so-called victim. I cannot abide by a view that explicitly or implicitly denounces individual accountability for how blacks injure themselves and others. At base, blacks are co-equal partners in the game of race oppression because they must actively think of themselves as totally helpless victims. Cf. Gary Peller, *Race Consciousness*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 127, 129

God, this totem of race consciousness, my mental conditioning, speaks eloquently. No, I thought, why is Justice like race consciousness? Consider education and literary arts. During slavery, white masters kept slaves from reading. Today, white masters resist educating blacks.⁷⁶

No, Lord! – none of us niggers never knowed nothin' 'bout readin' and writin'. Dere warn't no school for niggers, den, and I ain't never been to school a day in my life. Niggers was more skeered of newspapers dan dey is of snakes now, and us never knowed what a Bible was, dem days.⁷⁷

Without formal education, a white master determined a slave's identity. So long as slaves were uneducated, a white master could boastfully assert that the African was a doubtful part of the Great Chain of Being.⁷⁸ Without formal learning, David Hume, the Scottish philosopher, could declare that blacks are naturally inferior to whites, and in "*Jamaica* indeed they talk of one negro as a man of parts and learning [Francis Williams]; but 'tis likely he is admired for every slender accomplishment, like a parrot, who speaks a few words plainly."⁷⁹ Without book learning, a white master could easily torture an African into a *Nigger* and then a *Black*. Thereafter, slaves passed race consciousness on to

(Kimberlé Crenshaw, Neil Gotanda, Gary Peller, & Kendall Thomas eds., 1995).

In the integrationist perspective, racism is rooted in consciousness, in the cognitive process that attributes social significance to the arbitrary fact of skin color The opposite of the ignorance that appears as racism is knowledge – knowledge gleaned from actual interracial experience rather than mythologies of stereotypes.

Id.

⁷⁶ See, e.g., *Hopwood v. Texas*, 78 F.3d 932 (5th Cir.), *cert. denied*, 518 U.S. 1033 (1996).

⁷⁷ *Narrative of Georgia Baker*, in *BULLWHIP DAYS*, *supra* note 61, at 8-9.

⁷⁸ See *JORDAN*, *supra* note 54, at 1-15.

⁷⁹ Gates & McKay, *Preface: Talking Books*, *supra* note 59, at xxx.

children, and these children shared this toxin with the next generation.⁸⁰

This generation fights to think differently. All children should resist, nay ignore, their parents' toxic teachings. Like these children, I crave not fear-laden concepts but lived experiences. White masters force a new generation to choose race consciousness by killing the young and eager like James Chaney, Andrew Goodman, and Michael Schwerner and by assassinating people who quest to know their *God Self* like Dr. Martin Luther King and Medgar Evers. Against a backdrop of physical death and spirit murder,⁸¹ blacks would seek safety in caution, nay fear, and as a result, they live cautious lives. Taken together, illiteracy, Lynchian tactics, and violence, a white master's plague of death and fear concretizes the belief that blacks must live in a racialized box, and they must resist imagining a raceless life.⁸² Within this race consciousness, they must always work against their racist masters, and by resisting them, blacks deepen in the

⁸⁰ See WALSCH, CWG III, *supra* note 17, at 34-35. God states:

How can you teach children a truth you haven't yet gathered?

You can't, of course. So you'll wind up telling [your children] the only truth you know - the truth of others. Your father's, your mother's, your culture's, your religion's. Anything, everything, but your own truth. You are still searching for that.

Id.

⁸¹ See Patricia Williams, *Spirit-Murdering the Messenger: The Discourse of Fingerprinting as the Law's Response to Racism*, 42 U. MIAMI L. REV. 127 (1987).

⁸² Cf. Reed, *supra* note 19, at 22. Adolph Reed argues that:

W.E.B. DuBois put it succinctly in 1940, in a hypothetical dialogue with a foreigner seeking a road map of American racial classification. After considering and rejecting all the usual biological or morphological criteria, Du Bois concluded that "a black person is most accurately someone who must ride Jim Crow in Georgia." [A] variation of Du Bois's formulation that holds for the post-Jim Crow era: you are what the police think you are.

Id.

conviction that race and race consciousness must be real.⁸³ In short, white masters made, and continue to make, the *Black Self*.

Yet, this *Black Self* never frees people to be Free Souls. Does the Great Creator have a *Black* face? I feel that race consciousness, this *Black Self*, continues the practice of reinforcing social institutions that maintain hegemonic power for white masters. At the very least, race consciousness achieves two basic goals. First, it prevents blacks from using the literary arts to find their *God Self*. Second, it denies blacks real opportunities to resist race consciousness, a very toxic God, thus entrenching themselves deeper in psychological quicksand. Why would this God fornicate with white masters, siring generations of denuded blacks and vacuous whites, if literacy, not just formal education, but truly inspired epistemic questing through learning, were not dangerous? By enforcing illiteracy, even today, blacks sit themselves aside, feeling marginal and worthless. This worthlessness has a history. In 1770, James Albert Ukawsaw Gronniosaw wrote:

[My Master] used to read prayers in public to the ship's crew every Sabbath day; and then I saw him read. I was never so surprised in my life, as when I saw the book talk to my master, for I thought it did as I observed him to look upon it, and move his lips. I wished it would do so with me. As soon as my master had done reading, I followed him to the place where he put the book, being mightily delighted with it, and when nobody saw me, I opened it,

⁸³ See I NEALE DONALD WALSCH, CONVERSATION WITH GOD: AN UNCOMMON DIALOGUE 102 (1996) [hereinafter cited as WALSCH, CWG I]. God states:

You cannot resist something to which you grant no reality. The act of resisting a thing is the act of granting it life. When you resist any energy, you place it there. The more you resist, the more you make it real – *whatever* you are resisting.

What you open your eyes and look at disappears. That is, *it ceases to hold its illusory form*.

Id.

and put my ear down close upon it, in great hopes that it would say something tome; but I was sorry, and greatly disappointed, when I found that it would not speak. This thought immediately presented itself to me, that every body and every thing despised me because I *was black*.⁸⁴

Since slavery, a white master has never wanted slaves to have “talking books.”⁸⁵ A white master could not justify slavery if Africans had a literary voice, if they “possessed the requisite degrees of reason and wit to create literature.”⁸⁶ If so, then they were sentient, rational being, hardly fit for plantation goulags.⁸⁷ And when Africans resisted slavery through rebellions, when they sought their *God Self*, white masters marked them as *Black* slaves by enacting a “draconian body of public laws, making two forms of literacy punishable by law: the mastery of letters, and the mastery of the drum.”⁸⁸ Why illiteracy? Why no “talking books”?⁸⁹ Why a *Black Self*? Why race consciousness? Why not a *God Self*?

⁸⁴ Gates & McKay, *Preface: Talking Books*, *supra* note 59, at xxviii (citing JAMES ALBERT UKAWSAW GRONNIOSAW, A NARRATIVE OF THE MOST REMARKABLE PARTICULARS IN THE LIFE OF JAMES ALBERT UKAWSAW GRONNIOSAW, AN AFRICAN PRINCE (1770) (emphasis added)).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* This law provided:

And *whereas* the having of slaves taught to write, or suffering them to be employed in writing, may be attending with great inconveniences; *Be it enacted*, that all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe in any manner of writing whatsoever, hereafter taught to write; every such person or persons shall, for every offense, forfeit the sum of one hundred pounds current money.

Id. at xxix.

⁸⁹ Cf. ABRAHAM H. MASLOW, THE FARTHER REACHES OF HUMAN NATURE 149 (1993). Maslow writes:

Many of the communication difficulties between persons are the byproduct of communication barriers *within* the person;

Blacks must ask these questions. They must question everything, even to the point of race disloyalty. Without posing these questions, race consciousness becomes a proxy for a white master. Yet, a white master does not live today except in the old form of racialized concepts. These plantation concepts position an oppressed people's mind to a time when they were enslaved and Jim Crowed. As such, how different is the race-conscious black from a full grown elephant who refuses to tear free from a rope because as a calf it was conditioned by a steel chain? How is race consciousness any less than this chain, now simply a mental string?

III. CONCLUSION

Throughout my marshalling of images, God stands silently. Without warning, I cut off the images. I know enough. I am still convinced that race consciousness will only hasten my spiritual death, reducing me to a modern-day slave. I stand and walk toward the hatch, the steel gate at the border of truth. God warns me away. I don't resist. I refuse to make him stronger. I simply focus on my inner *God Self*; I simply ignore that which I no longer care to create. I trust my "*I Am*." Before I touch the gate's handle, the border dissolves. The totem of race consciousness disappears. It cannot exist, if I don't think about this white master's proxy. I take steps, unfamiliar to me. I steady myself, smiling and feeling more expansive than ever. In the distance, at a point that would require a decade's journey to reach, I see faint images of yet another border. A *new* God will

that that communication between the person and the world, to and fro, depends largely on their isomorphism (i.e., similarity of structure or form); that the world can communicate to a person only that of which he is worthy, that which he deserves or is "up to"; that to a large extent, he can receive from the world, and give to the world, only that which he himself is. As George Lichtenberg said of a certain book, "Such works are like mirrors; if an ape peeps in, no apostle will look out."

Id.

certainly await me. However, I refuse to create that God now by thinking about him. Perhaps, after a decade's journey, I will encounter this border, and if I do, I must take responsibility for its existence and the power its God will have over me. Perhaps, after a decade's journey, I'll encounter a new version of a white master and thus of myself. It will no doubt be weaker. Until then, I choose to think not of race consciousness but of my *God Self*.

In this allegoric essay, I reject race consciousness as a viable tool for True Liberation. I prefer a *God Self*, and thus I reject a racial identity.⁹⁰ People will relate to me through my racial construction. Too bad! While I acknowledge that none of us lives unmediated lives, I can attain a degree of enlightenment, an escape from a white master's control, by taking stock of how I use my mind.⁹¹ When I think, I will not resist a thing. Every

⁹⁰ It is really important that the reader understands that I am not suggesting that whites do not actively engage in racist or white supremacist practices. Some whites absolutely hate blacks, and most whites live in deep denial of their unconscious racist behavior. Together, such hate and unconscious behavior contribute to a social and political environment, in which blacks – if they do not self actualize their own relatively independent personalities – will develop in a socio-political culture that encourages them to limit their aspirations and thinking to the prescribed arenas that have been preserved for blacks by whites. With this cautionary note, I hope that if my colleagues have concerns about the positions that I have taken in this allegoric essay, they will not argue that I believe that the practices of white supremacy reside only in the minds of blacks. Rather my point is simple: regardless of such practices, blacks must rise above *thinking* Black so that they can self actualize, and by so doing, blacks can re-imagine themselves as Free Souls and as gods.

⁹¹ See WALSCH, CWG III, *supra* note 17, at 67. God states:

Yet if you can remember this truth – your perspective creates your thoughts, and your thoughts create everything – if you can remember it *before you leave this body*, and not after, *your whole life will change*.

. . . .

Assume a different perspective and you will have a different thought about everything. In this way you will have learned to control your thought, and, in the creation of your experience, controlled thought is everything.

Some people call this constant prayer.

Id.

time I resist, it grows stronger.⁹² I don't resist a racial identity. Instead, I meditate on my *God Self*. As the late Joseph Campbell pointed out, we are all meditating, except most of us mediate on our material life.⁹³ Race consciousness serves as a proxy for material life, economic survival, and physical existence. If blacks don't meditate on religion which denies people the meaning of life a priori, but mediate instead on spiritualism which requires that each person live in the moment, a moment that defies the limits of racial truths, then they will not be bound by a race consciousness that a white master constructed during slavery and perfected during the Jim Crow era.

Better still, blacks could interrogate race consciousness, and then follow those questions into the uncomfortable places within their consciousness. By undertaking this epistemic quest, they will encounter themselves and their fears. One fear is crossing the borders of truth, of race consciousness, because blacks fear letting go of a *Black Self*.

Well, Spirit has no race, and once I looked into Spirit's face, I could never suffer a moment's injustice. And I will devote my life to making the Law just, and in order to attain this Justice, I must subject myself to deconstruction, so that justice relates to

⁹² See WALSCH, CWG I, *supra* note 83. "Yet never resist *anything*. If you think that by your resistance you will eliminate it, *think again*. You only plant it more firmly in place. Have I not told you *all thought* is creative?" *Id.* at 103.

⁹³ See JOSEPH CAMPBELL (WITH BILL MOYER), *THE POWER OF MYTH* 14 (Betty Sue Flores, ed. 1988). Bill Moyer asked: "How do we transform our consciousness?" Campbell answered:

That's a matter of what you are disposed to think about. And that's what meditation is for. All of life is a meditation, most of it unintentional. A lot of people spend most of life in meditating on where their money is coming from and where it's going to go. If you have a family to bring up, you're concerned for the family. These are all very important concerns, but they have to do with physical conditions, most. But how are you going to communicate spiritual consciousness to the children if you don't have it yourself? How do you get that? What the myths are for is to bring us into a level of consciousness that is spiritual.

Id.

me and the other.⁹⁴ Race consciousness impedes that relationship between me and to the Other. In the end, Justice has no color, no race consciousness, and in the hands of a *Free Soul*, Justice has substantive and eternal meaning.

⁹⁴ See *The Villanova Roundtable: A Conversation with Jacques Derrida*, in NUTSHELL DECONSTRUCTION, *supra* note 22, at 17. Jacques Derrida writes:

A judge, if he wants to be just, cannot content himself with applying the law. He has to reinvent the law each time. If he wants to be responsible, to make a decision, he has not simply to apply the law, as a coded program, to a given case, but to reinvent in a singular situation a new just relationship; that means that justice cannot be reduced to a calculation of sanctions, punishments, or rewards. That may be right or in agreement with the law, but that is not justice. Justice, if it has to do with the other, with the infinite distance of the other, is always unequal to the other, is always incalculable. You cannot calculate justice. . . . [J]ustice is the relation to the other.

Id.